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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,617	03/17/2004	Arthur J. Jur	03-PDA-328(220)	4577

7590 01/29/2007

Martin J. Moran, Esquire
Eaton Electrical, Inc.
Technology & Quality Center
170 Industry Drive, RIDC Park West
Pittsburgh, PA 15275-1032

EXAMINER	
BAUER, SCOTT ALLEN	
ART UNIT	**PAPER NUMBER**
2836	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,617	JUR ET AL.	
	Examiner	Art Unit	
	Scott Bauer	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn et al. (US 4,017,698) in view of Young (US 5,414,584).

With regard to claim 1, Kuhn et al. teaches a electrical protective device comprising: an enclosure (12); a frame assembly (27, 28, 40 & 42) disposed within said enclosure, said frame assembly sized so that there is a gap between said frame assembly and said enclosure (as shown in Fig. 3); a network protector (10) having plurality of electrical components including a circuit breaker (100) coupled to said frame assembly and having at least one set of main contacts (110) and at least one arc chute (124) associated with set of main contacts; and said arc chute (124) extending beyond said frame assembly, whereby arc gasses traveling from said arc chute are necessarily exhausted into said gap between said frame assembly and said enclosure.

Kuhn et al. does not teach an arc path assembly having a hollow member having at least one open end, said hollow member in fluid communication with said arc chute; and said hollow member extending beyond said frame assembly, whereby arc gasses

traveling from said arc chute through said hollow member are exhausted into said gap between said frame assembly and said enclosure.

Young et al., in Figures 4 & 5, teaches a circuit breaker venting enclosure gas venting system including an arc path assembly having a hollow member (78) having at least one open end (90), said hollow member in fluid communication with an arc vent (42); and said hollow member extending beyond an assembly (10), whereby arc gasses traveling from said arc vent (42) through said hollow member are exhausted from said assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kuhn et al. with Young, by incorporating the arc path assembly of Young into the device of Kuhn et al., for the purpose of containing the molten metal particles and flames caused by an arc while at the same time allowing gas pressure to be relieved.

With regard to claim 2, Kuhn et al. in view of Young discloses the electrical protective device of claim 1. Kuhn et al. further discloses that the at least one arc chute extends generally vertically. Young further discloses that the hollow member extends generally horizontally with respect to the arc vents (42).

With regard to claim 3, Kuhn et al. in view of Young discloses the electrical protective device of claim 2. Kuhn et al. further discloses that the circuit breaker includes three sets of main contacts and said at least one arc chute includes three arc

chutes, one arc chute being associated with each set of main contacts, and Young et al. further discloses the hollow member being coupled to a circuit breaker and wherein said hollow member is in fluid communication with each arc chute.

With regard to claims 4 & 10, Kuhn et al. in view of Young discloses the electrical protective device of claims 1 & 3. Young further discloses that the hollow member is made from a non-conductive material (column 3 lines 32-36).

With regard to claim 5, Kuhn et al. in view of Young discloses the electrical device of claim 4. Young further discloses that the hollow member is made from Lexan® (column 3 lines 32-36), which is a fiber reinforced plastic resin.

With regard to claims 6-9, Kuhn et al. in view of Young discloses the electrical protective device of claims 1 & 5. Young further discloses that the hollow member includes two open ends, each open end extending beyond said assembly wherein each said open end is necessarily disposed within said enclosure.

With regard to claim 11, Kuhn et al. teaches a network protector (10), said network protector having a plurality of electrical components including a circuit breaker (100) disposed on a frame assembly (27) within an enclosure (12), there being a gap between said frame assembly and said enclosure (as seen is Fig. 3), said circuit breaker having at least one set of main contacts (110) and at least one generally

vertical arc chute (124) associated with said at least one set of main contacts, whereby arc gasses traveling from said arc chutes are necessarily exhausted into said gap between said frame assembly and said enclosure.

Kuhn et al. does not teach an arc path assembly comprising: a hollow member having at least one open end and at least one side opening; said side opening structured to be coupled to said at least one arch chute; and said at least one open end extending beyond said frame assembly, whereby arc gasses traveling from said arc chutes pass through said hollow member and are exhausted into said gap between said frame assembly and said enclosure.

Young et al., in Figures 4 & 5, teaches an arc path assembly comprising: a hollow member (78) having at least one open end (90) and at least one side opening (86); said side opening structured to be coupled to said at least one arch vent (42); and said at least one open end extending beyond said assembly, whereby arc gasses traveling from said arc vents pass through said hollow member and are exhausted from said assembly assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kuhn et al. with Young, as described above.

With regard to claim 12, Kuhn et al. in view of Young discloses the electrical protective device of claim 11. Kuhn et al. further discloses that the at least one arc

chute extends generally vertically. Young further discloses that the hollow member extends generally horizontally with respect to the arc vents (42).

With regard to claim 13, Kuhn et al. in view of Young discloses the electrical protective device of claim 12. Kuhn et al. further discloses that the circuit breaker includes three sets of main contacts and said at least one arc chute includes three arc chutes, one arc chute being associated with each set of main contacts, and Young et al. further discloses the hollow member being coupled to a circuit breaker and wherein said hollow member is in fluid communication with each arc chute.

With regard to claims 14 & 20, Kuhn et al. in view of Young discloses the electrical protective device of claims 11 & 13. Young further discloses that the hollow member is made from a non-conductive material (column 3 lines 32-36).

With regard to claim 15, Kuhn et al. in view of Young discloses the electrical device of claim 14. Young further discloses that the hollow member is made from Lexan® (column 3 lines 32-36), which is a fiber reinforced plastic resin.

With regard to claims 16-19, Kuhn et al. in view of Young discloses the electrical protective device of claims 11 & 15. Young further discloses that the hollow member includes two open ends, each open end extending beyond said assembly wherein each said open end is necessarily disposed within said enclosure.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bauer whose telephone number is 571-272-5986. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SAB
18 JAN 07

BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800